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10/608,550

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Ben Smith

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HARRITY & HARRITY, LLP
11350 Random Hills Road
SUITE 600
FAIRFAX, VA 22030

EXAMINER

NOORISTANY, SULAIMAN

ART UNIT

PAPER NUMBER

2446

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/608,550	Applicant(s) SMITH ET AL.	
	Examiner SULAIMAN NOORISTANY	Art Unit 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 15-32 and 34-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 15-32 and 34-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/30/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This Office Action is response to the application (10/608550) filed on 4/7/2010

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-11, 15-32, 34-46 are rejected under 112, second paragraph as being indefinite for failing to particularly point and distinctly claim the subject matter which applicant regards as the invention

In claim 1, “the first proportion and second proportion” is indefinite and not clear what this is in reference to (e.g., is it based on the estimated number or the actual number and what would be the correlation between the above term?) However, the claims will be given a broad reasonable interpretation for the purposes of examination as best understood.

Therefore, claims 2-11, 15-32, 34-46 are rejected for similar reasons as stated for claim 1.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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Claims 1-3, 5-8, 11, 16-32, 34-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sturat** U.S. Patent App. Publication No. **US 6661431** in view of **Mason** U.S. App. Publication No. **US 2002/0161648**.

Regarding claim 1, Sturat teaches wherein a method performed by one or more server devices, the method comprising:

collecting, by one or more processors of the one or more server devices, information associated with a group of users visiting a web site that includes an advertising link, where the group of users visiting the web site includes a set of non-malicious users and a different set of malicious users is met here by Sturat (in Fig. 1, units 12-16, identify and collect information pertaining to entities; Fig. 2, unit 32 'collect site navigation data for visitors');

identifying, by one or more processors of the one or more server devices, the set of non-malicious users visiting the web site from the group of users visiting the web site based at least in part on the collected information is met here by Sturat (in Fig. 1, units 18, 'determine behavior', e.g., it may be interesting to observe how a group defined as "females" navigates a web site as opposed to a group defined as "males");

identifying, by one or more processors of the one or more server devices, a first proportion of a quantity of non-malicious users visiting the web site to a total quantity of users visiting the web site is met here by Sturat (in Fig. 1, units 18; Fig. 2, unit 36, 'determine behavior', e.g., it may be interesting to observe how a group defined

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as "females" navigates a web site as opposed to a group defined as "males"; FIG. 8A-B, e.g., the path arrows are sized and colored according to the selected behavior. For example, arrow number 157 shows that the majority of users coming into the web site enter through the homepage with arrow 159 showing that page 113 is one of the most popular pages selected from the homepage 112. Importantly, the display illustrates that a large number of visitors exit page 113 as represented by arrow 160, while a significantly fewer number of visitors, represented by arrow 161 go on to conversion page 122);

identifying a second proportion of a quantity of clicks on the advertising link by identified non-malicious users to a total quantity of clicks on the advertising link by the group of users is met here by Sturat (in Fig. 1, units 18; Fig. 2, unit 36, 'determine behavior', e.g., it may be interesting to observe how a group defined as "females" navigates a web site as opposed to a group defined as "males"; in FIG. 8A-B, e.g., the path arrows are sized and colored according to the selected behavior. For example, arrow number 157 shows that the majority of users coming into the web site enter through the homepage with arrow 159 showing that page 113 is one of the most popular pages selected from the homepage 112. Importantly, the display illustrates that a large number of visitors exit page 113 as represented by arrow 160, while a significantly fewer number of visitors, represented by arrow 161 go on to conversion page 122), and

comparing the identified first proportion to the identified second proportion is met here by Sturat (in Fig. 1, units 18; Fig. 2, unit 42 'Map indicia on to hierarchy',

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e.g., the indicia can be used to describe, for example, the behavior of one or more targets, to compare two or more behaviors, or to compare the behavior of a single target in two or more time periods in either a historical context, in real time or in compressed time formats, e.g., in Fig. 9, illustrates a behavior comparison display on unit 170, wherein the first target 171 is the group "women", and the second target 172 is the group "men". In particular, solid arrows represent the women, while hollow arrows represent men. The direction, size and color of interconnecting arrows are selected as the indicia of behavior comparison. For example, the thickness of each arrow indicates the accumulation of how many of each target visit each page. As described above, a green arrow could be used to indicate that the males' rate of visiting a particular web page is increasing as compared to a female's rate, and red arrow would indicate that male visitors are requesting a web page at a declining rate as compared to female visitors. The behavior comparison chart 170 is useful for comparing the behavior of two different targets, for example, two groups or two clusters).

However, Sturat does not disclose explicitly the term '*determining, by one or more processors of the one or more server devices, an occurrence of spamming on the web site, and taking a remedial measure when the occurrence of spamming on the website is determined*'

Mason teaches wherein '**determining, by one or more processors of the one or more server devices, an occurrence of spamming on the web site, and taking a**

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remedial measure when the occurrence of spamming on the website is

determined' is met here by Mason ([0029], e.g., By monitoring the number of click-throughs on each of the ads, a more successful derivative advertisement link, i.e., one which receives a greater number of click-throughs, can be substituted for the less successful banners. The computing devices which are used to run and monitor the methods of the present invention can be automatically programmed to substitute a more successful banner for a less successful banner according to one or more pre-determined criteria, e.g., if the number of click-throughs is different by a pre-determined percentage. For example, if the derivative advertisement links from one original ad are receiving 20% more click-throughs than the derivative advertisement links created from a second original ad, then some or all of the placements of the second original ad can be automatically replaced by the more successful ad) in order to make the system more efficient to facilitate the sale of a greater percentage of online newspapers' advertising space.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sturat;s invention by utilizing a methods for obtaining Internet-type advertisements, modifying those advertisements to fit designated advertising spaces allotted by a plurality of different and unrelated online newspaper websites, and automatically placing those advertisements. Preferred embodiments permit online advertisements to be tracked, audited and/or modified, at any time during an advertising campaign, to facilitate the sale of a greater percentage of online newspapers' advertising space as taught by Mason.

Regarding claim 2, Sturat and Mason together taught the method as in claim 1 above.

Sturat further teaches wherein the collecting information includes:

tracking activities of the group of users visiting the web site (The method collects data regarding a visitor's navigation between web pages, and tracks how long the visitor remains on each page – col. 4, lines 53-55).

Regarding claim 3, Sturat and Mason together taught the method as in claim 1 above.

Sturat further teaches wherein the tracking activities includes:

determining whether the users in the group of users load images, where identifying the set of non-malicious users includes identifying users, in the group of users, that are determined as loading images, where the set of non-malicious users includes the users that are determined as loading images (FIG. 17, analyzes the information a user actually downloads from a web site in an attempt to cluster, group, or classify visitors).

Regarding claim 5, Sturat and Mason together taught the method as in claim 1 above.

Sturat further teaches wherein the tracking activities includes:

determining whether a browser is used by the users in the group of users, where identifying the set of non-malicious users includes identifying users, in the group of users, that are determined as using a browser, where the set of non-malicious users includes the users that are determined as using a browser (Fig. 2, unit 45

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'individual, cluster, group').

Regarding claim 6, Sturat and Mason together taught the method as in claim 1 above.

Sturat further teaches wherein the tracking activities includes:

determining a number of times during an interval that each of the users in the group of users visits the web site, where identifying the set of malicious users includes identifying a first set of users, in the group of users, that are determined to have visited the web site a number of times, during the interval, that exceeds a threshold number of times, where the set of non-malicious users includes a second set of users, in the group of users, that is different from the identified first set of users (Fig. 2, unit 45 'individual, cluster, group').

Regarding claim 7, Sturat and Mason together taught the method as in claim 1 above.

Sturat further teaches wherein the web site is associated with a search engine, and where the tracking activities includes:

determining a type of items for which searches are performed by the users in the group of users, where identifying the set of malicious users includes identifying a first set of users, in the group of users, that are determined to have performed searches in an ordered manner, where the set of non-malicious users includes a second set of users, in the group of users, that is different from the first set of users (Fig. 2, unit 75 'compare entity').

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Regarding claim 8, Sturat and Mason together taught the method as in claim 1 above.

Sturat further teaches wherein the tracking activities includes:

tracking activities of users in the group of users visiting another web site (Fig. 2, unit 45, 7-10 'individual, cluster, group').

Regarding claim 11, Sturat and Mason together taught the method as in claim 1 above. Sturat further teaches wherein each of the users in the group of users is associated with a network address, and where the identifying non-malicious users includes:

identifying the non-malicious users based at least in part on the network addresses associated with the users in the group of users (Fig. 1, e.g., a visitor's internet protocol, domain or URL address may be identified by known techniques. Information of a visitor's online purchasing history, for example, may be obtained, or demographic information which the visitor has previously disclosed in association with his or her internet address may also be accessed by means of well-known techniques in the art).

Claim 16-19 list all the same elements of **claim 1**, but in system, computer storage rather than method form. Therefore, the supporting rationale of the rejection to **claim 1** applies equally as well to **claim 16-19**.

Regarding claim 20, Sturat and Mason together taught the method as in claim 1

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above. Sturat further teaches wherein determining a total number of users visiting the web site (Fig. 1-2, unit 45 'individual, cluster, group'), and where the determining whether the item has been click spammed includes:

comparing the determined click rate for the non-malicious users to a click rate for the total number of users visiting the web site (Figs. 1-2, 7-10, 'individual, cluster, group'), and determining that the item has been click spammed when the click rate for the total number of users exceeds the determined click rate for the non-malicious users (Mason: e.g., replacing and modify the ad - [0022]).

Regarding claim 21, Sturat and Mason together taught the method as in claim 1 above. Sturat further teaches wherein the identifying includes:

tracking an activity of users visiting the web site (Fig. 1-2, unit 45 collect information based on 'individual, cluster, group' visiting website), and identifying the group of non-malicious users based at least in part on the tracked activity (Fig. 1-2, unit 45 collect information based on 'individual, cluster, group' visiting website).

Regarding claim 22, Sturat and Mason together taught the method as in claim 1 above. Sturat further teaches wherein the tracking includes determining, for each user, at least one of whether the user loads images, an age of a cookie associated with each user, whether the user has javascript turned on a type of browser used by the user, or an interval at which the user visits the web site (Fig. 10, unit 182, time interval).

Regarding claim 23, Sturat and Mason together taught the method as in claim 1 above. Mason further teaches wherein taking remedial measures in response to determining that the item has been click spammed (Mason: e.g., replacing the ad with less click - [0022]).

Regarding claim 24, Sturat and Mason together taught the method as in claim 1 above. Mason further teaches wherein the determining a click rate of the item for the group of non-malicious users includes:

estimating a percentage of non-malicious users visiting the web site, and setting a percentage of clicks of the item from non-malicious users to approximately equal the estimated percentage (pre-determined percentage – [0029]).

Regarding claim 25, Sturat and Mason together taught the method as in claim 1 above. Mason further teaches wherein the determining whether the item has been click spammed includes:

determining whether an actual click rate of the item for the group of non-malicious users differs from the set percentage of clicks of the item (Mason: e.g., click rate - [0022]).

Regarding claim 26, Sturat and Mason together taught the method as in claim 1 above. Sturat further teaches wherein the determining a click rate of the item includes:

determining different click rates of the item for the group of non-malicious users, the different click rates corresponding to different time periods (Fig. 2, unit 47 'compare visitors during time periods').

Regarding claim 27, Sturat and Mason together taught the method as in claim 1 above. Sturat further teaches wherein the different time periods include different times of a day or week (Fig. 10, unit 182).

Regarding claim 28, Sturat and Mason together taught the method as in claim 1 above. Sturat further teaches wherein the different time periods include different months of a year (Fig. 10, unit 182).

Claim 29-31 list all the same elements of **claim 1**, but in system, computer storage rather than method form. Therefore, the supporting rationale of the rejection to **claim 1** applies equally as well to **claim 29-31**.

Regarding claim 32, Sturat and Mason together taught the method as in claim 1 above. Sturat further teaches wherein the means for identifying non- malicious visitors includes at least one of:

means for determining whether visitors to the web site load images, means for determining whether the visitors to the web site have javascript turned on, means for determining a type of browser used by the visitors to the web site, means for

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determining an interval at which the visitors to the web site visit the web site, or means for determining a type of items for which searches are performed by the visitors to the web site (Fig. 10, unit 182 'timer interval').

Regarding claim 34, Sturat and Mason together taught the method as in claim 1 above. Sturat further teaches wherein the expected percentage of the non- malicious users clicking the advertisement is based at least in part on a percentage of non- malicious users clicking the advertisement from a different time period (Fig. 7-9 'behavior entity').

Regarding claim 35, Sturat and Mason together taught the method as in claim 1 above. Mason further teaches wherein the determining whether the advertisement has been click spammed includes:

determining that the advertisement has been clicked spammed when the actual percentage of non-malicious users clicking the advertisement is lower than the estimated percentage of non-malicious users clicking the advertisement (different click rate between ads - [0022]).

Regarding claim 36, Sturat and Mason together taught the method as in claim 1 above. Sturat further teaches wherein, when determining whether the at least one advertisement has been click spammed, the processor is to:

compare the determined percentage of the non-malicious users clicking the at

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least one advertisement to a percentage of non-malicious users clicking the at least one advertisement from a different time period (Fig. 10, unit 182).

Regarding claim 37, Sturat and Mason together taught the method as in claim 1 above. Sturat further teaches wherein, when determining whether the at least one advertisement has been click spammed, the processor is to:

estimate a percentage of non-malicious users clicking the at least one advertisement to be approximately a percentage of non-malicious users visiting the server (Fig. 7-10, unit 182)., and

determining that the at least one advertisement has been clicked spammed when the determined percentage of non-malicious users clicking the at least one advertisement is lower than the estimated percentage of non-malicious users clicking the at least one advertisement (Fig. 7-10, unit 182)..

Regarding claim 38, Sturat and Mason together taught the method as in claim 1 above. Sturat further teaches wherein determining a total number of visitors to the server, and where the determining whether the advertisement has been spammed includes:

comparing the determined click rate for the non-malicious visitors to a click rate for the total number of visitors to the web site (Fig. 7-10)., and

determining that the advertisement has been spammed when the click rate for the total number of visitors exceeds the determined click rate for the non-malicious

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visitors (Mason: click rate - [0022]).

Regarding claim 39, Sturat and Mason together taught the method as in claim 1 above. Sturat further teaches wherein the identifying non-malicious visitors to the server includes:

tracking a factor associated with visitors to the server, the factor including at least one of whether the visitors load images, ages of cookies associated with the visitors, whether the visitors have javascript turned on, types of browsers used by the visitors, or intervals at which the visitors visit the server, and using the tracked factor to identify the non-malicious visitors to the server (Fig. 10, unit 182 'timer interval').

Regarding claim 40, Sturat and Mason together taught the method as in claim 1 above. Sturat further teaches wherein, when identifying a number of non-malicious users accessing the server, the processor is to:

track a factor associated with users accessing the server, the factor including at least one of whether the users load images, ages of cookies associated with the users, whether the users have javascript turned on, types of browsers used by the users, or intervals at which the users access the server, and use the factor to identify the number of non-malicious users accessing the server (Fig. 10, unit 182 'timer interval').

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Regarding claim 41, Sturat and Mason together taught the method as in claim 1 above. Sturat further teaches wherein where the at least one item includes an advertisement (Fig. 10, unit 112).

Regarding claim 42, Sturat and Mason together taught the method as in claim 1 above. Sturat further teaches wherein determining a quantity of the identified non-malicious users that clicks the advertisement link (Fig. 7-8 'determine visitors'); and determining whether the advertisement has been spammed based at least in part on the determined quantity of the identified non-malicious users that clicks the advertisement (Mason: replacing ad based less click rate – [0022]).

Regarding claim 43, Sturat and Mason together taught the method as in claim 1 above. Mason further teaches wherein determining that spamming occurs on the web site based at least in part on a behavior of the non-malicious users visiting the web site (Mason: monitoring ad based less click rate – [0022])..

Regarding claim 44, Sturat and Mason together taught the method as in claim 1 above. Sturat further teaches wherein the determining the occurrence of spamming on the web site further includes:

determining, based at least in part on the comparing, that the identified first proportion is greater than the identified second proportion (Fig. 7-8 'determine visitors',

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e.g., Males vs Females).

Regarding claim 45, Sturat and Mason together taught the method as in claim 1 above. Sturat further teaches wherein the determining that the occurrence of spamming on the web site further includes:

determining, based at least in part on the comparing, that the identified first proportion is greater than the identified second proportion plus a predefined threshold (Fig. 7-8 'determine visitors', e.g., Males vs Females).

Regarding claim 46, Sturat and Mason together taught the method as in claim 1 above. Mason further teaches wherein the means for identifying malicious visitors comprise means for identifying spam programs (Mason: monitoring ad based less click rate – [0022]).

Claims 4, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sturat** U.S. Patent App. Publication No. **US 6661431** in view of **Mason** U.S. App. Publication No. **US 2002/0161648** further in view of **Messer** U.S. App. No. **US 7020622**

Regarding claim 4, Sturat and Mason together taught the method as in claim 1 above. However, Sturat and Mason are silent in terms '*determining whether the users in the group of users have javascript turned on, where identifying the set of non-malicious users includes identifying users, in the group of users, that are determined as having*

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javascript turned on, where the set of non-malicious users includes the users that are determined as having javascript turned on'

Messer teaches that it is well known to have system wherein determining whether the users in the group of users have javascript turned on, where identifying the set of non-malicious users includes identifying users, in the group of users, that are determined as having javascript turned on, where the set of non-malicious users includes the users that are determined as having javascript turned on (e.g., once the specific information is placed, the Clearinghouse server, via JavaScript, Perl and/or "C" programming, generates the operative link, including all parameters necessary to implement commerce tracking – col. 5, lines 17-20) in order to make the system more efficient and further equipped to deter fraud and other non-productivity activity (col. 4, lines 40-42).

It would have been obvious to one ordinary skill in the art that when the invention was made to modify Srinivasan's invention by adding a system to includes the ability to track select USER activity while on the Web including interactions with Web pages and click-through navigation to select Web sites where purchases can be executed. Notwithstanding these advancements and advantages, commerce on the web can still be improved upon. Recognizing some of the current difficulties in implementing affiliate programs has led to the innovations presented herein, as taught by Messer (col. 1, lines 40-50).

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Regarding claim 9, Sturat further teaches wherein each of the users in the group of users is associated with a cookie identifier, and where the tracking includes: using the cookie identifiers to track the activities of the users in the group of users (Fig. 1, e.g., a visitor's internet protocol, domain or URL address may be identified by known techniques. Information of a visitor's online purchasing history, for example, may be obtained, or demographic information which the visitor has previously disclosed in association with his or her internet address may also be accessed by means of well-known techniques in the art).

Messer further teaches wherein Cookie identifier (During the linking process, the USER has an identifier string appended to the HTTP entry, and possibly a "cookie" placed on their system. These act as a marker to permit tracking of the USER by the Clearinghouse, to determine if and when the USER was involved in a purchase – col. 4, lines 5-11).

Regarding claim 10, Sturat further teaches wherein each of the users in the group of users is associated with a cookie identifier (Fig. 1, e.g., a visitor's internet protocol, domain or URL address may be identified by known techniques), and where the identifying non-malicious users includes:

Messer further teaches wherein identifying non-malicious users based at least in part on an age of the cookie identifiers associated with the users in the group of users (e.g., the first approach tracks USER visits using cookies to determine Web path; alternatively, incentive forms that use a promotional contest to gain voluntary input of

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data can be applied to collect USER/site data. Once established, closed looped marketing permits targeting of ads to particular Users based on the stored profile – col. 2, lines 15-20).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Sturat** U.S. Patent App. Publication No. **US 6661431** in view of **Mason** U.S. App. Publication No. **US 2002/0161648** further in view of **Ishikawa** Patent App. Publication No **US 2001/0037314**.

Regarding claim 15, Sturat and Mason together taught the method as in claim 1 above. Sturat further teaches wherein the determining includes: determining an occurrence of spamming of at least one advertisement on the web site, and where taking the remedial measure the method further comprises:

providing a refund in response to determining that the at least one advertisement has been spammed (Once the information is recorded in the advertiser's log, the entry is further passed to an accounting management system, which tracks the amount of *remuneration* owed to each advertiser, this procedure take place while the click is not spam [0052]) in order to accurately accessing the effectiveness of an advertising modality [0012].

Thus, It would have been obvious to one ordinary skill in the art that when the invention was made to modify Sturat's and Mason's invention by utilizing wherein a merchant is able to count the number of clicks generated by a particular advertiser so

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that the advertiser can be appropriately paid for each advertisement and accurately accessing the effectiveness of an advertising modality, as taught by Ishikawa.

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Response to Amendment

Applicant's arguments with respect to claim(s) 1-11, 15-32, 34-46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sulaiman Nooristany whose telephone number is (571) 270-1929. The examiner can non-maliciously be

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reached on M-F from 9 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu, can be reached on (571) 272-6798.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SN 6/28/2010

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446